

**AMENDED**  
**PUBLIC NOTICE OF INTENT TO ISSUE A**  
**CLASS III UNDERGROUND INJECTION CONTROL AREA PERMIT AND**  
**PROPOSED APPROVAL OF AN AQUIFER EXEMPTION FOR**  
**EXCELSIOR MINING ARIZONA, INC.'S GUNNISON COPPER PROJECT**

**Comment period extended through January 8, 2018**

**PURPOSE OF PUBLIC NOTICE**

***Public Comments for the Draft Permit:***

The United States Environmental Protection Agency, Region 9 (EPA) is soliciting public comments on its proposal to issue a Class III Underground Injection Control (UIC) Area Permit for Excelsior Mining Arizona, Inc. (Excelsior) to construct and operate an in-situ copper recovery (ISCR) facility known as the Gunnison Copper Project (Project) near the Town of Willcox, Arizona. The wellfield is proposed to be constructed within Township 15 South, Range 22 East, Section 36 and Township 15 South, Range 23 East, Section 31, in Cochise County, Arizona.

The Class III UIC Area Permit, if issued, would authorize Excelsior to inject a dilute sulfuric acid solution into the copper orebody and recover copper-laden solution for the purpose of producing copper. EPA proposes to issue the permit and the authorization to construct, test, and inject at the proposed Project site for twenty (20) years, followed by aquifer restoration and closure operations for three (3) years and a post-rinsing monitoring period of five (5) years.

The injection interval would be the copper oxide orebody present within the Oxide Bedrock Zone at the Project site. It is a bedrock formation that was formed as coatings on rock fractures and as vein fill that is approximately 400 to 1,400 feet below ground surface. The wellfield area is approximately 192 acres in areal extent. After completing a thorough technical review of all submitted information, as well as the operational standards, monitoring requirements, and the geologic setting, EPA has made a preliminary determination that the activities under the draft Class III UIC Area Permit (draft Permit) are protective of underground sources of drinking water (USDWs) as required by the Safe Drinking Water Act (SDWA).

EPA has made a preliminary determination to issue a Class III UIC Area Permit to Excelsior pending this public notice and comment period. This action is being taken as provided by Part C of the SDWA and pursuant to Title 40 of the Code of Federal Regulations (CFR) Parts 124, 144, 146, and 147.

***Public Comments for Proposed Aquifer Exemption Decision:***

EPA is also requesting public comments on its proposed approval of an Aquifer Exemption for the oxide ore body in which the ISCR wellfield will be located and portions of the basin fill above it and the sulfide zone below it. Based on a review of the entire record, the EPA finds that the Aquifer Exemption criteria at 40 CFR § 146.4(a) and § 146.4(b)(1) have been met, because the aquifer does not currently serve as a source of drinking water and will not serve as a source of

drinking water in the future because it contains minerals that are expected to be commercially producible. The effect of EPA's approval of the proposed Aquifer Exemption is that the portion of the aquifer covered by the exemption would no longer be protected as a USDW. Additional detail about EPA's Aquifer Exemption review and conclusions are provided in a draft Record of Decision that is part of the Administrative Record for this UIC permitting action.

### **PUBLIC COMMENT SUBMITTAL AND OPPORTUNITY FOR A HEARING**

EPA requests public comment on the draft Permit and the proposed Aquifer Exemption. EPA will accept comments in writing through the end of the comment period on January 8, 2018 (40 CFR §124.10). During this period, all written comments should be mailed, faxed, or emailed using the contact information listed below.

U.S. Environmental Protection Agency, Region 9  
Drinking Water Protection Section, Mail Code WTR-3-2  
75 Hawthorne Street  
San Francisco, CA 94105  
Attention: Nancy Rumrill  
Telephone: (415) 972-3293  
Email: [rumrill.nancy@epa.gov](mailto:rumrill.nancy@epa.gov)

During the comment period, any interested person may request a public hearing on the draft Permit and/or the proposed Aquifer Exemption. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing (40 CFR §124.11).

EPA's statement of basis, the draft Permit, the draft Aquifer Exemption Record of Decision, and Excelsior's permit application are available for public review online at the web address below.

<https://www.epa.gov/uic/underground-injection-control-permits-region-9>

These materials are also available for public review Monday through Thursday during regular business hours at the following location:

U.S. Environmental Protection Agency Environmental Information Center/Library  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 947-4406  
[library-reg9@epa.gov](mailto:library-reg9@epa.gov)

The statement of basis, draft Permit, and draft Aquifer Exemption Record of Decision are also available for review at the following location:

Elsie S. Hogan Library  
100 North Curtis Ave.  
Willcox, Arizona 85643  
(520)766-4250

## **FINAL PERMIT AND AQUIFER EXEMPTION DECISION AND PERMIT APPEAL PROCESS**

After the close of the public comment period, EPA will consider any additional information provided in public comments on the proposed Aquifer Exemption and make a final decision based on the exemption criteria at 40 CFR § 146.4. EPA will also issue a response to comments and a final permit decision pursuant to 40 CFR §124.15(a) and will notify all commenters regarding this decision. If comments are filed which request a change in the draft Permit, the final decision shall become effective no sooner than thirty (30) days after the service of the notice of decision. Within thirty (30) days after the final permit decision has been issued, any person who filed comments on the draft Permit, participated in any public hearing on this matter, or takes issue with any changes in the draft Permit, may petition the Environmental Appeals Board to review any condition of the permit decision. Commenters are referred to 40 CFR §124.19 for procedural requirements of the permit appeal process. If no comments request a change in the draft Permit, the permit shall become effective immediately upon issuance.